HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16339 of 2007

Date: 20.8.2007

Between:

V.V. Seetha Rama Raju and others

....Petitioners

and

The Government of A.P., represented by
Principal Secretary, Revenue (Registration)
Department and others

....Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.16339 of 2007

O R D E R:

The petitioners purchased an extent of Ac.4.80 cents of land in Sy.No.121/4 of Vedulanarva Village, Sabbavaram Mandal, Visakhapatnam District, through a sale deed dated 8.6.2005 from Sri P. Vijaya Sankara Rao. The vendor of the petitioner, in turn, was assigned this land on 24.3.1993 in his capacity as an ex-serviceman.

The 2nd respondent issued memo dated 22.6.2005 to the District Registrar, Visakhapatnam-the 4th respondent, directing that the land in Sy.Nos.120, 121/1 to 10, 128/1 to 3 of Vedulanarva Village, admeasuring Ac.15.55 cents, shall be treated as prohibited properties (Government lands) so as to prevent further registrations. The petitioners challenge the said memo.

The petitioners contend that their vendor was assigned land in Sy.No.121/4 in his capacity as an ex-serviceman and in terms of G.O.Ms.No.1117 dated 11.11.1993, the alienation made in their favour after 10 years from the date of assignment, is permissible and legal.

No counter is filed. However, the stand taken by the 5th respondent in the counter filed in W.P.No.15779 of 2007, the subject matter of which is relevant to the present writ petition, is to the effect that as long as the memo is in force, no transactions can be

entertained in respect of that land.

Heard Sri P. Ramabrahmam, the learned counsel for the petitioner, and the learned Government Pleader for Revenue.

In the impugned memo, there is a reference to memo dated 14.3.2005 issued by the Government in Revenue Department. Through that memo, the Government requested the 2nd respondent to issue instructions to all the concerned for maintaining basic registers with proper classification. The context in which that memo was issued is not clear, nor is any provision of law mentioned therein.

The Registration Act, and the rules made thereunder, is a self-contained Code. All the authorities under the Act, ranging from Inspector General to the Sub-Registrar are required to act in accordance with the relevant provisions. Any step, be it an act or omission on the part of such authorities, is prone to have its own effect upon the concerned citizens. Therefore, any step must be referable to a particular provision.

Section 22-A of the Act clearly empowers the registering authority to refuse registration in respect of the properties mentioned therein. The 2nd respondent can neither expand nor restrict the purport of that Section. Further, it is not for him to classify any land into a particular category. It is mainly the function of the revenue authorities to classify the lands into different categories. Any person aggrieved by such categorization can avail the remedies provided for under the A.P. Rights in Land and Pattedar Passbooks Act, 1971, or other relevant provisions of law. Memos and instructions issued, without proper verification of the relevant provisions or the consequences that flow from them, would give rise to unnecessary litigation, apart from causing hardship to the citizens.

The vendor of the petitioners is an ex-serviceman. The land is said to have been assigned to him in the year 1993. The Government issued G.O.Ms.No.1117 dated 11.11.1993, enabling the ex-

servicemen and freedom fighters to alienate the properties assigned to them after expiry of 10 years from the date of assignment. The transfer in favour of the petitioners has taken place about 12 years from the date of assignment. The 2nd respondent, who is required to supervise the function of the entire department in the State and issue broad guidelines, has chosen to act as a revenue authority at a very lower level. Apart from degrading the importance of the State level office, it would reflect upon the manner in which the office is functioning. The whole episode is not in good taste.

Having regard to the facts and circumstances of the case, the writ petition is allowed at the stage of admission and the impugned memo dated 22.6.2005, insofar as it relates to the land of the petitioners admeasuring Ac.4.80 cents in Sy.No.121/4 of Vedulanarva Village, Sabbavaram Mandal, Visakhapatnam, is set aside. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Date: 20.8.2007

Note: CC in one week.
Bo cvm